

Docket No. 38-21(51721)B  
Inventors: Mark S. Abad *et al.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**Mark S. Abad *et al.***

Appln. No.: To Be Assigned

Filed:

For: Nucleic Acid Molecules and Other  
Molecules Associated with Plants

Art Unit: ~~To Be Assigned~~ *#718*

Examiner: To Be Assigned *4128102*

Atty. Docket: 38-21(51721)B *163*

I hereby verify this transmittal together with the patent application referred to below is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 Express Mail Label No. EL032544202US on the date indicated and is addressed to: Commissioner for Patents, Washington, D.C. 20231

Jian S. Zhou      Registration No. 41, 422

*Jian S. Zhou*      Date: *Oct. 25, 2000*

**TRANSMITTAL OF NON-PROVISIONAL PATENT APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231

*Box Patent Application*

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is the complete patent application of :

**Nucleic Acid Molecules and Other Molecules Associated with Plants**

Inventors: **Mark S. Abad**

Scott E. Andersen

Patrice Dubois

10/25/00  
JCS22 U.S. PTO  
09/696664

Debbie A. Mahadeo

James D. Masucci

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. Form PTO-1082 (in duplicate);
3. U.S. Utility Patent Application entitled:  
**Nucleic Acid Molecules and Other Molecules Associated with Plants**  
and naming as inventors:  
Mark S. ABAD, Scott E. ANDERSEN, Patrice DUBOIS, Debbie A. MAHADEO  
the application consisting of:
  - a. A specification containing:
    - (i) 94 pages of a description prior to the claims;
    - (ii) 1 pages of claims (7 claims); and
    - (iii) a one (1) page abstract;
4. A CD-ROM containing the Sequence Listing;
5. Petition to Suspend Sequence Rules (in duplicate);
6. Combined Declaration and Power of Attorney, executed by inventors Mark S. Abad, Scott E. Andersen, Patrice Dubois and Debbie A. Mahadeo (4 pages);
7. Combined Declaration and Power of Attorney, executed by inventor James D. Masucci (4 pages);

8. An Information Disclosure Statement;
9. Form PTO-1449 (1 page), with 8 accompanying documents; and
10. One (1) return postcards.

It is respectfully requested that the attached prepaid postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

Respectfully submitted,



Lawrence M. Lavin, Jr., Esq (Reg. No. 30,768)  
Jian S. Zhou (Reg. No. 41,422)

Enclosures

Date:

Oct. 25, 2000

Patent Department, E2NA  
Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, MO 63167  
Tel: 636-694-3602  
Fax: 636-694-1671

Please type a plus sign (+) inside this box 

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <i>(Only for new nonprovisional applications under 37 CFR 1.53 (b))</i>		Attorney Docket No.	38-21(51721)B
		First Named Inventor or Application Identifier	Abad, Mark S.
		Title	NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH PLANTS
		Express Mail Label No.	EL032544202US

<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 600 concerning utility patent application contents</i>		Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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1. <input checked="" type="checkbox"/> *Fee Transmittal Form (Form PTO-1082) <i>(Submit an original and a duplicate for fee processing)</i>	6. <input type="checkbox"/> Microfiche Computer Program (Appendix)	
2. <input checked="" type="checkbox"/> Specification [Total Pages 96]	7. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>	
- Descriptive title of the Invention		a. <input checked="" type="checkbox"/> Computer Readable Copy
- Cross References to Related Applications		b. <input type="checkbox"/> Paper Copy (identical to computer copy)
- Statement Regarding Fed sponsored R and D		a. <input type="checkbox"/> Statement verifying identity of above copies
- Reference to Microfiche Appendix		
- Background of the Invention		
- Brief Summary of the Invention		
- Brief Description of the Drawings (if filed)		
- Detailed Description		
- Claims		
- Abstract of the Disclosure		
<input type="checkbox"/> Drawing(s) (35 USC 113)	[Total Sheets <input type="text"/> ]	8. <input type="checkbox"/> Assignment Papers (cover sheet document(s))
Oath or Declaration	[Total Pages <input type="text"/> ]	9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i>
a. <input checked="" type="checkbox"/> Newly executed (original or copy)	10. <input type="checkbox"/> English Translation Document (if applicable)	
b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i>	11. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations	
[Note Box 5 below]		
i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	12. <input type="checkbox"/> Preliminary Amendment	
Incorporation By Reference <i>(useable if Box 4b is checked)</i>	13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (One) <i>(should be specifically itemized)</i>	
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.		14. <input type="checkbox"/> *Small Entity <input type="checkbox"/> Statement filed in prior application, status still proper and desired
		15. <input type="checkbox"/> Certified Copy of Priority Document (s) <i>(if foreign priority is claimed)</i>
		16. <input type="checkbox"/> Other:

\*NOTE FOR ITEMS 1 and 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. §1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. §1.28).

If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:				
17. <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No:				
Prior Application Information: Examiner: Group/Art Unit:				

**18. CORRESPONDENCE ADDRESS**

<input type="checkbox"/> Customer Number or Bar Code Label	or <input checked="" type="checkbox"/> Correspondence address below <i>(Insert Customer No. or attach Bar Code Label here)</i>
--	---

NAME	Lawrence M. Lavin, Jr.			
ADDRESS	Patent Department, E2NA; Monsanto Company, 800 N. Lindbergh Boulevard			
CITY	St. Louis	STATE	Missouri	ZIP CODE
COUNTRY	US	TELEPHONE	(314) 694-3602	FAX (314) 694-1671

Name (Print/Type)	Lawrence M. Lavin, Jr.	Registration No.	30768
Signature	Lawrence M. Lavin, Jr.	Date:	Oct. 25, 2000

Burden Hour Statement. This form is estimated to take 2 hours to completed. Time will vary depending pon the needs of the individual cases. Any comments on the amount of time you required to completed this form should be sent to the Office of Assistance Quality and Enhancement Division, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0037), Washington, DC 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231.

by Jinsheng Mo Jian S. Zhou  
Reg. No. 41422

10/25/00  
JC922 U.S.P.T.O.  
097696664



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# FEE TRANSMITTAL

## for FY 1999

Patent fees are subject to annual revision.

Small Entity payments **must** be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ 820.00)

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	Mark S. Abad
Examiner Name	To Be assigned
Group / Art Unit	
Attorney Docket No.	38-21(51721)B

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 13-4125

Deposit Account Name

 Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

2.  Payment Enclosed:

Check  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	0.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	0.00
139	130	139	130	Non-English specification	0.00
147	2,520	147	2,520	For filing a request for reexamination	0.00
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	0.00
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	0.00
115	110	215	55	Extension for reply within first month	0.00
116	380	216	190	Extension for reply within second month	0.00
117	870	217	435	Extension for reply within third month	0.00
118	1,360	218	680	Extension for reply within fourth month	0.00
128	1,850	228	925	Extension for reply within fifth month	0.00
119	300	219	150	Notice of Appeal	0.00
120	300	220	150	Filing a brief in support of an appeal	0.00
121	260	221	130	Request for oral hearing	0.00
138	1,510	138	1,510	Petition to institute a public use proceeding	0.00
140	110	240	55	Petition to revive - unavoidable	0.00
141	1,210	241	605	Petition to revive - unintentional	0.00
142	1,210	242	605	Utility issue fee (or reissue)	0.00
143	430	243	215	Design issue fee	0.00
144	580	244	290	Plant issue fee	0.00
122	130	122	130	Petitions to the Commissioner	0.00
123	50	123	50	Petitions related to provisional applications	130.00
126	240	126	240	Submission of Information Disclosure Stmt	0.00
581	40	581	40	Recording each patent assignment per property (times number of properties)	0.00
146	760	246	380	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149	760	249	380	For each additional invention to be examined (37 CFR § 1.129(b))	0.00
Other fee (specify) _____					0.00
Other fee (specify) _____					0.00
Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 130.00)	

## SUBMITTED BY

Name (Print/Type)	Lawrence M. Lavin, Jr.	Registration No. (Attorney/Agent)	30,768	Telephone	314-694-3602
Signature	Lawrence M. Lavin, Jr.			Date	Oct. 25, 2003

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by Jian S. Zhou Reg. No. 41422  
Jian S. Zhou